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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 MOMENTO, INC., a California Corporation,

14 Plaintiff,

15 vs.

16 SECCION AMARILLA USA, a California

17 Limited Liability Corporation, CORY SUAZO, an

18 individual, RAFAEL BERRIOS, an individual, and

19 Does 1-50 inclusive,

20 Defendants

Case No. 09-CV-1223 SBA

~~PROPOSED~~ ORDER

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22 Upon reviewing Plaintiff Momento's Motion for Clarification of the Order and the Stipulation
23 for Clarification of the Order and for good cause appearing, the Court hereby finds that the Order entered
24 on May 13, 2009 is hereby amended to preclude Defendant Seccion Amarilla, USA from distributing the
25 2009 Oakland directory.
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27 Therefore, it is hereby **ORDERED:**

1 Defendants SAUSA, Cory Suazo and Rafael Berrios, their servants, agents and employees, all
2 persons acting or purporting to act under their authority, direction or control ,
3 and all persons acting in concert or in participation with any of them who receive notice of this ORDER,
4 shall be and are restrained and enjoined:
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- 6 1. From copying any of the copyrighted works of Momento, not limited to those identified in
7 the exhibits submitted in support of the preliminary injunction motion, and in particular from
8 preparing any derivative works from such copyrights, and from copying any of the
9 copyrights works into any computer data base, information service, storage facility, or
10 archives.
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- 12 2. From preparing derivative works from any portion of Momento's copyrighted works and
13 from causing them to be copied, disclosed or displayed.
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- 15 3. From destroying or concealing, or in any way displaying of any reproduction, copy,
16 facsimile, excerpt, scanned version, or derivative of any copyrighted work of Momento
17 including those stored on computers or computer files.
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- 19 4. From false and misleading advertisement and from promoting its yellow pages as "the first
20 and only Spanish directory delivered to consumers in Northern California."
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- 22 5. From making unauthorized reproductions of copyrighted works of Momento website.

23 IT IS FURTHER ORDERED THAT:

- 24 6. Defendants RETRIEVE any and all 2009 San Jose and San Francisco Directories that are
25 undistributed and stored on pallets outside of distribution locations
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- 27 7. Defendants TURN OVER to Plaintiff's counsel all primary infringing articles used for
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1 solicitation of advertisements, in their possession, custody or control of any copyrighted
2 work of Momento, including but not limited to: (1) salesperson and company files relating to
3 solicitation of advertisements that contain copies copyrighted works of Momento but which
4 exclude records documenting the sale of the advertisements; and (2) portable computer files
5 and other media on which the defendants have stored copyrighted works or derivative
6 materials, including data stored on internal hard disk drives. This relief is granted pursuant to
7 17 U.S.C. § 503(a)(1)(A) and (B).
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10 8. Defendants are ENJOINED from distributing the 2009 Oakland directory in its present form.

11 This preliminary injunction will take effect upon Momento's posting a bond in the amount of
12 \$355,550.00.
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16 **IT IS SO ORDERED.**

17 Dated: 6-8, 2009

18 Hon. Saundra Brown Armstrong

19 United States District Judge
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